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FROM: JOHN KLINE

DATE: October 2, 1995

TO: Jose Luis Gutierrez

COMPANY: Region IX EPA

FAX NO. 1-415-744-1235

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Jose,

1. Letter to Gila River Indian Community for your files.
2. I spoke with the environmental officer for U.S. Bureau of Mines today about the Santa Cruz Joint Venture and the justification for not netting ponds. His name is Dan Millanacher and can be reached at the U.S. Bureau of Mines Twin Cities Research Center at 1-612-725-4588. He is willing to speak to your biologist if you so desire about this issue. He may be a good resource since he already negotiated this issue with Arizona Game and Fish and U.S. Fish and Wildlife.

Magma's position is that netting is not necessary since these are not cyanide ponds. There are numerous canals including the CAP canal that provide landing and resting areas for migratory birds and local species. There are thousands of acres of irrigated farm areas and the North Side Canal that runs through the site that provide much more attractive habitat than the proposed process ponds. I have been around PLS/Raffinate and evaporation ponds for years and bird mortality has not been an issue. They evidently like stock ponds, and other fresh water sources better when available. There are many areas locally that would be more attractive for area birds. I do not believe there is any regulatory nexus for requiring netting for copper mining process ponds. Please call me if you have any questions on this issue.

regards

John Kline

